

1  
2  
3  
4  
5  
6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT SEATTLE

9                   CURTIS RAY HARRIS,

10                  Plaintiff,

11                  CASE NO. C17-0813-RSM

12                  v.

13                  DON HARIG, et al.,

14                  Defendants.

15                  ORDER DENYING PLAINTIFF'S  
16                  MOTION TO APPOINT COUNSEL

17                  This matter comes before the Court on Plaintiff's "Application for Court-Appointed  
18                  Counsel." Dkt. #4. Plaintiff's Motion is a form motion indicating that this Plaintiff has not been  
19                  granted *in forma pauperis* status. *Id.* at 1. Although the form suggests it, Plaintiff does not submit  
20                  a financial affidavit or otherwise explain his financial need for court-appointed counsel. Under  
21                  "previous efforts to retain an attorney," Plaintiff states only "[f]ixed income (social security) can't  
22                  afford the cost of a lawyer." *Id.* at 2. Plaintiff does not attach a statement indicating why his  
23                  claims have merit, although this is suggested by the form. *Id.* Plaintiff has essentially failed to  
                provide any information with this form except the above sentence.

24                  In civil cases, the appointment of counsel to a *pro se* litigant "is a privilege and not a  
25                  right." *United States ex. Rel. Gardner v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965) (citation

1 omitted). “Appointment of counsel should be allowed only in exceptional cases.” *Id.* (citing  
2 *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963)). A court must consider together “both the  
3 likelihood of success on the merits and the ability of the petitioner to articulate his claims *pro se*  
4 in light of the complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 954  
5 (9th Cir. 1983). In “exceptional circumstances,” a district court may appoint counsel for indigent  
6 civil litigants. 28 U.S.C. § 1915(e)(1); *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997),  
7 *overruled on other grounds*, 154 F.3d 952 (9th Cir. 1998).

8 Plaintiff has not presented enough information as to his financial status. Although  
9 Plaintiff has stated that he has a fixed income, he has not stated what that income is or his total  
10 assets, and in any event he has been able to afford the filing fee in this case. *See* Dkt. #5 at 1.  
11 Plaintiff has also failed to argue why his case has a likelihood of success on the merits.  
12 Accordingly, the Court finds that Plaintiff has not demonstrated the “exceptional circumstances”  
13 necessary to appoint counsel and will deny Plaintiff’s Motion. Nothing in this Order prohibits  
14 Plaintiff from refiled his Motion with the above missing information.

15 Having reviewed the relevant briefing, the declarations and exhibits attached thereto, and  
16 the remainder of the record, the Court hereby finds and ORDERS that Plaintiff’s Motion to  
17 Appoint Counsel, Dkt. #4, is DENIED.

18

19 DATED this 27 day of June 2017.

20

21   
22

23 RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE